

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-cr-00034-RLY-MPB
)	
STACY L WEATHERS,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On July 18, 2022, the Court held an Initial Appearance hearing on the Petition for Warrant for Violation of Supervised Release, filed on September 8, 2021. ([Dkt. No. 5](#)). Defendant Weathers appeared in person with appointed counsel Chad Groves. The government appeared by Kristian Mukoski, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Brian Deardurf.

This matter was referred to the Magistrate Judge to conduct a hearing and make a report and recommendation as to the disposition. ([Dkt. No. 10](#)). The defendant was advised that the District Judge is not bound to accept the Report and Recommendation.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Weathers of his rights and provided him with a copy of the petition.
2. Defendant waived his right to a preliminary hearing.
3. After being placed under oath, Defendant Weathers admitted violations No. 1, 2 and 3, ([Dkt. No. 5](#)).

4. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"The defendant shall not commit another federal, state, or local crime."</p> <p>Stacy Weathers was arrested on September 2, 2021 in Vanderburgh County, Indiana Circuit Court in cause 82C01-2109-MC-002743 charging him with Narcotic - Dealing in Cocaine and Traffic - Operating Without Ever Receiving a License.</p>
	2	<p>"The defendant shall not commit another federal, state, or local crime."</p> <p>As previously report to the Court, Mr. Weathers was arrested in Vanderburgh County, Indiana Circuit Court in cause 82D02-2105-F6-002376 and subsequently convicted with a felony for Possession of Methamphetamine.</p>
	3	<p>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>On August 9, 2021, Stacy Weather tested positive for Cocaine. This sample was sent for confirmation testing and returned positive for Cocaine. On August 26, 2021, Stacy Weather tested positive for Cocaine. This sample was sent for confirmation testing and results are pending.</p> <p>As previously report to the Court, on May 12, 2021 and July 6, 2021, Stacy Weather tested positive for Cocaine. These samples were confirmed and returned positive for Cocaine.</p>

5. The parties stipulated that:
- (a) The highest grade of violation is a Grade **A** violation.
 - (b) Defendant's criminal history category is **VI**.
 - (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is **51 to 63** months' imprisonment.

The Parties jointly recommend a sentence of twenty-four (24) months imprisonment with no further supervision to follow.

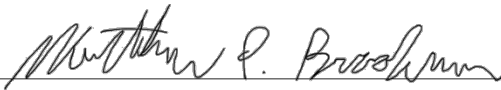
The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he be sentenced to the custody of the Attorney General or his designee for a period of twenty-four (24) months with no further supervision upon release.

The Magistrate Judge further recommends defendant receive jail time credit for time served from September 21, 2021, the date the Federal Detainer against him was lodged with the Vanderburgh County Jail.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties have waived the fourteen (14) day objection period.

Dated: August 9, 2022


Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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